

Sixth Appellate District

San Jose, California

MONDAY, SEPTEMBER 19, 2005

H027629 PEOPLE v. CHANG

For the foregoing reasons, the judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Bamattre-Manoukian, J.)

Filed September 19, 2005

H027775 In re SOLORIO on Habeas Corpus

The petition for writ of habeas corpus is denied. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed September 19, 2005

H027548 PEOPLE v. LEE

The judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed September 19, 2005

H027946 PEOPLE v. PEREZ

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed September 19, 2005

H027859 SKIDMORE v. SUTTER'S PLACE, INC.

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed September 19, 2005

H028104 DEBERT v. COUNTY OF SANTA CRUZ

The judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed September 19, 2005

TUESDAY, SEPTEMBER 20, 2005

H027484 NEESE v. ALTIZER-CATTERTON

The order denying Shoun's motion for attorney fees and costs is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed September 20, 2005

Sixth Appellate District

San Jose, California

Tuesday, September 20, 2005 (continued)

The following cases are submitted this date:

H027667 PEOPLE v. GOMEZ-GARCIA

H028524 SCOTT v. GUTIERREZ, et al.

H028211 PEOPLE v. GARCIA

H028026 PEOPLE v. CHAIREZ

H028199 PEOPLE v. MONTEZ

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed September 20, 2005

WEDNESDAY, SEPTEMBER 21, 2005

H027844 PEOPLE v. PEREZ

By the Court*:

Respondent's petition for rehearing is denied.

Filed: September 21, 2005

*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and McAdams, J.

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Premo, Acting P.J. and J. Casique, Deputy Clerk.

H029205 WILLIAMS v. MILLER IV, et al.

Cause ordered off calendar as appellant is not present. Appellant's application for waiver of court fees and costs is denied with prejudice. Court adjourns.

H028678 PEOPLE v. MAHALLATI

The judgment is affirmed. (not published)
(Elia, Acting P.J.; We concur: Mihara, J., McAdams, J.)
Filed September 21, 2005

H028307 CBSJ FINANCIAL CORP. v. NG

The judgment is affirmed. (not published)
(Elia, Acting P.J.; We concur: Mihara, J., McAdams, J.)
Filed September 21, 2005

Sixth Appellate District

San Jose, California

THURSDAY, SEPTEMBER 22, 2005

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Premo, Acting P.J.; Mihara, J.; McAdams, J.; and Jane Valdez Flor, Deputy Clerk.

H027669 AUSTIN v. WISKEL, et al.

Cause called and argued by James J. Der appearing for Appellants and by Stephen Francis Von Till appearing for Respondent. Cause ordered submitted.

H027089 SCHULZ v. VOLVO PENTA OF THE AMERICAS, INC.

Cause called and argued by David M. Rice appearing for Appellant and by William Eric Kennedy appearing for Respondent. Cause ordered submitted.

Premo, J. leaves the bench and Bamattre-Manoukian, J. takes the bench.

H027710 PEOPLE v. HILL

Cause called and argued by Philip M. Brooks appearing for Appellant and by Ann P. Wathen, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H026381 PEOPLE v. GENTRY, et al.

Cause called and argued by Janice Lagerlof appearing for Appellant James Johnson and by John H. Deist, Deputy Attorney General, appearing for Respondent. No appearance made by Peggy Ann Headley for Appellant Gentry. Cause ordered submitted.

H027766 HAFERMAN, et al. v. HAYNIE, Individually and as Trustee, etc.

Cause called and argued by Jeff Haferman appearing in propria persona and by Roy C. Gunter, III, appearing for Respondent. Cause ordered submitted.

Mihara, J. leaves the bench and Duffy, J. takes the bench.

H028049 SILAS v. BEALE

Cause called and argued by Alfred S. Wright appearing for Appellant and by George Kasolas appearing for Respondent. Cause ordered submitted.

Court is adjourned.

Sixth Appellate District

San Jose, California

Thursday, September 22, 2005 (continued)

H028171 PEOPLE v. JOHNSON

By the Court:

Upon the court's own motion, the submission order in the above entitled cause filed July 20, 2005, is hereby vacated to allow the parties the opportunity to request oral argument, if they so desire. Any party desiring oral argument shall so inform this court in writing on or before 10 days from the date of this order, by completing and returning to this court the attached "Request for Oral Argument" form.

The matter shall be resubmitted upon the completion of oral argument, or if oral argument is not requested, upon the expiration of the time to request it, whichever date comes first.

Dated: September 22, 2005

Premo, Acting P.J.

H028407 PEOPLE v. MARTIN

The judgment is affirmed. (not published)

(Elia, Acting P.J.; We concur: Bamattre-Manoukian, J., Duffy, J.)
Filed September 22, 2005

The following cases are submitted this date:

H027536 PEOPLE v. PONCE

H028348 PEOPLE v. LEE

H026470 PEOPLE v. HUGHES

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed September 22, 2005

H026395 In re BAUTISTA on Habeas Corpus

Dave's petition for writ of habeas corpus is granted. His judgment of conviction is vacated and the case is remanded to the trial court to allow him to withdraw his guilty plea. (*People v. Soriano* (1987) 194 Cal.App.3d 1470, 1482.) (not published)

(Premo, J.; I concur: Rushing, P.J., Dissenting Opinion by Bamattre-Manoukian, J.)

Filed September 22, 2005

H027130 WILLIS v. SAN JOSE UNIFIED SCHOOL DISTRICT

By the Court*:

Appellant's petition for rehearing is denied.

Filed: September 22, 2005

*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and McAdams, J.

Sixth Appellate District

San Jose, California

FRIDAY, SEPTEMBER 23, 2005

H027532 MWANIKI v. EBAY, INC.

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed September 23, 2005

H027260 PEOPLE v. MILINICH

The judgment committing defendant to the Department of
Mental Health as a sexually violent predator is affirmed. (not
published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara,
J.)
Filed September 23, 2005

H027769 LI v. PREDIWAVE CORPORATION, et al.

We affirm the order denying appellants' motion for
disqualification of opposing counsel. We deny Li's motion for
appellate sanctions, but he is awarded costs on appeal. (not
published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara,
J.)
Filed September 23, 2005

H028182 PEOPLE v. BROCKINGTON

By the Court*:

Appellant's petition for rehearing is denied.
Filed: September 23, 2005
*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and McAdams,
J.

The following case is submitted this date:

H025678 PEOPLE v. LAMMERS

H027369 PEOPLE v. HEARD

The judgment is ordered modified to reflect that the
sentence on count one is eight months. As so modified, the
judgment is affirmed. The superior court is ordered to send a
certified copy of the corrected abstract of judgment to the
Department of Corrections. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams,
J.)
Filed September 23, 2005

Sixth Appellate District

San Jose, California

Friday, September 23, 2005

H027368 PEOPLE v. HEARD

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams,
J.)

Filed September 23, 2005